



PTO/SB/26 (09-04)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

A8130.0024/P024-A

In re Application of: R. D. Grafton et al.

Application No.: 10/673,235-Conf. #1583

Filed: September 30, 2003

For: BIOABSORBABLE TISSUE TACK WITH OVAL-SHAPED HEAD AND METHOD OF TISSUE  
FIXATION USING THE SAME

The owner\*, Arthrex, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent No. 6,517,564** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 31,063  
50,515

  
Signature

September 14, 2006  
Date

Stephen A. Soffen  
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Typed or printed name

(202) 420-4879  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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Docket No.: A8130.0024/P024-A  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
R. D. Grafton et al.

Application No.: 10/673,235

Confirmation No.: 1583

Filed: September 30, 2003

Art Unit: 3761

For: BIOABSORBABLE TISSUE TACK WITH  
OVAL-SHAPED HEAD AND METHOD OF  
TISSUE FIXATION USING THE SAME

Examiner: G. K. Dawson

**NOTIFICATION OF CHANGE IN ENTITY STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The patent owner no longer qualifies as a small entity.

In accordance with the change to large entity status, the large entity amount for payment of the Terminal Disclaimer (\$130.00) is submitted herewith.

Dated: September 14, 2006

Respectfully submitted,

By

Stephen A. Soffen

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